

SENATE BILL 2658
By O'Brien

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 82, relative to the election of members of board of commissioners of certain utility districts in any county having a population of not less than thirty-four thousand seven hundred thirty five (34,735) nor more than thirty-four thousand eight hundred (34,800) according to the 1990 federal census of population or any subsequent federal census.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-82-307(gg), is amended by deleting the subsection in its entirety and by substituting instead the following:

(gg)(1) Notwithstanding any provisions of this chapter to the contrary, for any water utility district having less than one thousand five hundred (1,500) subscribers in any county having a population of not less than thirty four-thousand seven hundred thirty five (34,735) nor more than thirty four-thousand eight hundred (34,800) according to the 1990 federal census or any subsequent federal census, all vacancies occurring on the board of commissioners of any such utility district after January 1, 1997, shall be filled by vote of the customers of the utility district at the annual meeting of the district. No person shall serve on a board unless the person is a customer of the utility district. As used in this subsection, "customer" shall mean a person who is periodically billed for utility service rendered by the district and who pays money for such service.

(2) Vacancies on the board due to the expiration of a term, or due to an increase in the number of members on the board, or due to any other reason, shall be filled as follows:

(A) For each vacancy, the incumbent commissioners shall select three (3) nominees, in accordance with any residential requirements that may apply to the office vacated, or to be vacated, and shall prepare a ballot for each vacancy. Other nominees may be placed on the ballot by submitting, twenty (20) days prior to the election, a nominating petition signed by not less than ten (10) customers who are residents of the county within which the vacancy occurs. Write-in votes for unlisted candidates shall also be considered. Vacancies shall be filled by a plurality of the votes cast for each seat.

(B) At least forty (40) days prior to the election, the incumbent commissioners of the utility district shall mail written notice of such meeting and election to all customers and shall list any vacancies to be filled. In the event the commissioners fail to set the date for the meeting, or fail to mail notice of such meeting, or fail to hold such meeting, or fail to hold the election, the county executive shall cause such things to be done upon petition of any twenty (20) customers of the district.

(C) Vacancies occurring on the board of commissioners created by death, resignation, disability, ouster or forfeiture of office, shall be filled by the remaining commissioners, until the next annual meeting, at which time the vacancy shall be filled by the customers.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.